

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

TRAGO OLYMPIA, LLC
d/b/a TRAGO OLYMPIA
625 BLACK LAKE BLVD SW #N15
OLYMPIA, WA 98502-5066

APPLICANT

LICENSE APPLICATION NO. 401338

UBI: 603 251 223 001 0001

OAH DOCKET: 2013-LCB-0060

LCB NO. 24,773

FINAL ORDER OF THE BOARD

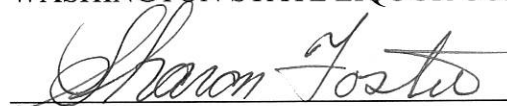
The above-captioned matter coming on regularly before the Board, and it appearing that:

1. The Washington State Liquor Control Board Licensing and Regulation Division (Licensing) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and KIM O'NEAL, Assistant Attorney General, and Trago Olympia LLC d/b/a Trago Olympia (Applicant), by and through its representatives, SEAN ROACH, DANIEL P. YARBROUGH, and TROY SELAND, and the parties having voluntarily entered into a settlement agreement, and the Board having had the opportunity to review the file materials maintained in this case.

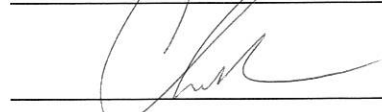
NOW, THEREFORE, IT IS HEREBY ORDERED that that Board affirms and incorporates by reference the settlement agreement between the parties, a copy of which is attached hereto, and approves the license restrictions referenced in section II. Agreement of the Parties.

DATED at Olympia, Washington this 10 day of December, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD







FINAL ORDER OF THE BOARD
TRAGO OLYMPIA
LCB NO. 24,773
LICENSE NO. 401338

Page 1 of 1

Washington State Liquor Control Board
3000 Pacific Ave, S.E.
P.O. Box 43076
Olympia, WA 98504-3076
Phone: 360-664-1602

1
2
3
4
5
6
7 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

8 IN THE MATTER OF:

NO. 24,773

9 TRAGO OLYMPIA, LLC
10 TRAGO OLYMPIA
625 Black Lake Blvd SW, #N15
Olympia, WA 98502-5066

SETTLEMENT AGREEMENT

11 License Application No. 401338
12

13 The Washington State Liquor Control Board Licensing Division (Licensing) represented
14 by its attorneys ROBERT W. FERGUSON, Attorney General and Kim O'Neal, Senior
15 Counsel, and Applicant Trago Olympia, LLC, d/b/a Trago Olympia (Applicant) hereby enter
16 into this stipulated settlement agreement for Liquor Control Board case No. 24,773.

17 **I. INTRODUCTION**

18 On June 21, 2013, the Licensing Division of the Board issued a Statement of Intent to
19 Deny Trago Olympia's license application based upon the license history of the three owners,
20 Daniel Yarbrough, Troy Selland and Sean Roach. The Applicant requested a hearing, which
21 was held on September 30, 2013. On November 15, 2013, an Initial Order was issued
22 affirming the Licensing Division's denial of Applicant's liquor license application.

23 Applicant and representatives of the Licensing Division have discussed the reasons for
24 denying the license application and alternatives for addressing those concerns. Based upon
25 the Applicant's agreement to the conditions proposed by the representatives of Licensing, the
26 parties enter into this Settlement Agreement, in which the Applicant agrees to restrict certain

1 owners' interests, accepts license conditions and agrees not to seek any other legal relief, and
2 Licensing agrees to issue the license on that basis.

3 II. AGREEMENT OF THE PARTIES

4 The Parties agree to the following:

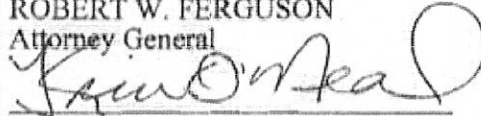
- 5 1. The Parties enter into this agreement to avoid the time and expense of potential
6 litigation, including review of the Initial Order and other legal action Applicant might
7 take. The Applicant explicitly waives the right of further administrative or judicial
8 review of all matters related to the above-referenced liquor license application, and
9 agrees to take no other legal action of any kind arising from this license application
10 process against the Liquor Control Board or any of its employees or representatives.
- 11 2. This agreement constitutes the final written expression of all the terms of this
12 agreement is a complete and exclusive statement of these terms.
- 13 3. The Parties agree that the following restrictions will be imposed upon the Applicant's
14 Liquor License:
 - 15 A. The applicant shall not commit a violation that results in issuance of an
16 Administrative Violation Notice (AVN), as set out in WAC 314-29-020, 314-29-
17 025 or 314-29-030 and any subsequent amendments, within twelve (12) months
18 from the date of license issuance by the Liquor Control Board of the permanent
19 liquor license. The Applicant further understands and agrees that if the Applicant
20 commits any violation that results in issuance of an AVN, as listed in WAC 314-29-
21 020, 314-29-025 or 314-29-030 and any subsequent amendments, within the twelve
22 (12) month period following the issuance of the license by the Liquor Control
23 Board, that Licensing may and will seek cancellation of said license. The Applicant
24 further understands and agrees that it has a right to a hearing on the sole issue of
25 whether it committed the violation within the 12-month period, but not to the
26 already agreed-to penalty of license cancellation.

1 B. The Applicant agrees its liquor license will be restricted prohibiting Daniel P.
2 Yarbrough and Troy M. Selland from having any involvement in the licensed business,
3 to include ownership, management and employment. A request to remove this
4 restriction may be submitted to the Board on an annual basis at the time of license
5 renewal. Prior to issuance of the liquor license Applicant must comply with
6 Licensing's request for documents that provide proof of the divestiture of Mr.
7 Yarbrough and Mr. Selland's ownership interest in Trago Olympia LLC. These
8 documents must meet with Licensing's approval and the Licensing Division must be
9 satisfied that it has everything needed to prove divestiture before the liquor license will
10 be issued.

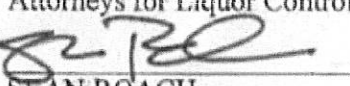
11 5. The Parties recognize that this settlement agreement is subject to approval by the
12 Washington State Liquor Control Board.

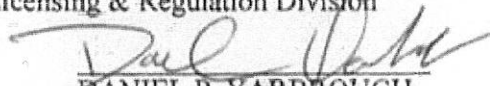
13 STIPULATED AND AGREED THIS ____ day of _____, 2013.


14 ROBERT W. FERGUSON
15 Attorney General

16 
17 KIM O'NEAL, WSBA 12939
18 Senior Counsel

19 Attorneys for Liquor Control Board, Licensing & Regulation Division

20 
21 SEAN ROACH
22 TRAGO OLYMPIA, LLC.

23 
24 DANIEL P. YARBROUGH
25 TRAGO OLYMPIA, LLC.

26 
TROY SELLAND
TRAGO OLYMPIA, LLC.

LIQUOR CONTROL BOARD MEMBERS:



Washington State
Liquor Control Board

December 11, 2013

Mark D. Kimball
Brandon Wayman
MDK Law Associates
777 108th Ave NE Ste 2170
Bellevue, WA 98004-5118

Sean A. Roach, Manager
Trago Olympia LLC
d/b/a Trago Olympia
625 Black Lake Blvd SW #N15
Olympia, WA 98502-2066

Kim O'Neal, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: FINAL ORDER OF THE BOARD

APPLICANT: Trago Olympia, LLC

TRADE NAME: Trago Olympia

LOCATION: 625 Black Lake Blvd SW #N15, Olympia, WA 98502-2066

LICENSE APPLICATION NO. 401338

LCB HEARING NO. 24,773

OAH DOCKET NO. 2013-LCB-0060

UBI: 603 251 223 001 0001

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail in the above-referenced matter, as well as a copy of the Stipulated Settlement Agreement. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Sharon Hendricks, Policy and Compliance Manager, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 www.liq.wa.gov